(9) (3) (2005)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

WRIT PETITION No. 1495 OF 2003

PETITIONERS

1. Anand Ram, aged about 43 years, S/o Rohidu, officiating Sarpanch, Gram Panchayat, Dhadhutola, Post Bandhabazar, Block Ambagarh Chowki, District Rajnandgaon (Chhattisgarh)

2. Shafi Mohammed, aged about 40 years, S/o Gani Mohammed, Panch of Gram Panchayat, Dhadhutola, Post Bandhabazar, Block Ambagarh Chowki, District Rajnandgaon (Chhattisgarh)

P. R. No. 1392/03
Presented by Shri H.S. Pradeep
dated 02/05/03

Versus

RESPONDENTS

1. State of Chhattisgarh through the Secretary, Department of Panchayat and Social Welfare, Mantralaya, DKS Bhawan, Raipur (Chhattisgarh)

2. Additional Collector, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

3. Sub Divisional Officer, Mohala, District Rajnandgaon (Chhattisgarh)

4. Naval Singh Parteti, Sarpanch of Gram Panchayat Dhadhutola (removed under section 40 of the Panchayat Raj Adhiniyam) Block Ambagarh Chowki, District Rajnandgaon (Chhattisgarh)

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

1. **PARTICULARS OF THE PETITIONERS**

As mentioned in the cause title above.

(53)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 1495/2003

मामला क्रमांक.....**सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	23.6.2003 Shri Prashant Mishra, counsel for the petitioners. Shri Rajesh Pandey, Govt. Advocate for the State. Heard. Shri Mishra submits that the proceedings for removal of respondent No. 4 had taken place. The respondent No. 4 preferred an appeal before the Additional Collector, Rajnandgaon. The stay was not granted. Ultimately, by the final order, the appeal was allowed and matter was remanded to the Sub-Divisional Officer, who on remand has maintained the order. Thereafter, an appeal was preferred. This time the appellate authority has stayed the operation of the order dated 28.1.2003 passed by the Sub-Divisional Officer vide order dated 5.3.2003 and the matter remained pending. Application for vacating stay was filed on 7.4.2003. That is not being heard. This Court has dealt the matter in detail in	

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(54)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No 1495/2003

मामला क्रमांक.....**सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

the case of Smt. Rani Bai –v- State of C.G. and others reported in 2002 (2) C.G.L.J. 57.

Having thus considered, in the opinion of this Court, ends of justice will serve if a direction is given to the Collector to decide the appeal, which ought to have been decided by him, and/or pass an order on the application for vacating of stay on one way or the other, as early as possible certainly within two months from the date of production of the copy of this order before him.

With the direction/observations aforesaid, this petition stands disposed of.

In view of the above, M.W.P. No. 1348/2003 and I.A. No. 4081/2003 stand disposed of.

Certified copy as per rules.

Copy to State counsel

Sd/-
Fakhruddin
Judge

vatti/-

GLPRJ—FS/78 — 9/200(—50,000.